



TICKET TO WORK & WORK INCENTIVES ADVISORY PANEL



September 29, 2003

Jo Anne B. Barnhart
Commissioner
Social Security Administration
500 E Street, SW, Suite 800
International Trade Commission Building
Washington DC 20024

Dear Commissioner Barnhart:

I am writing you on behalf of the Ticket to Work and Work Incentives Advisory Panel to express the Panel's support for the Notice of Proposed Rule Making (NPRM) on the Continuation of Benefits to Certain Individuals Who Are Participating in a Program of Vocational Rehabilitation Services, Employment Services or Other Support Services published in the Federal Register on August 1, 2003. The Panel is also requesting your support on advice we will be providing to Congress that recommends extending the continuing disability review (CDR) protection currently provided to participants in the Ticket program to any beneficiary who is participating in an approved program of vocational rehabilitation services, employment services, or other employment support services.

Overall, the Panel believes that the proposed rules in the NPRM are clear and simple and reflect the appropriate policy direction, and would like to commend SSA on the publication. However, the Panel expressed one minor concern in regard to section 404.327, which defines an appropriate program of vocational rehabilitation services.

Subsection (a)(4) states that a beneficiary participating in, "A program of vocational rehabilitation services, employment support services, or other support services, which is carried out under a similar, individualized, written employment plan with another provider of services approved by us," is eligible for the continuation of benefits described in this rule. It is the Panel's understanding that a person receiving services from a variety of state and Federal agencies might qualify under this subsection, including but not limited to, a person with a Plan to Achieve Self - Sufficiency, a person receiving services from the Veteran's Administration, a person receiving services from a One Stop funded through the Department of Labor, or a person receiving services to achieve employment from a state developmental disabilities or mental health agency. This is not, however, clearly explained in Subsection (a)(4). The Panel recommends that SSA clarify this, perhaps by example, so that beneficiaries (and service providers) understand whether they are eligible for the continuation of benefits as described in this section.

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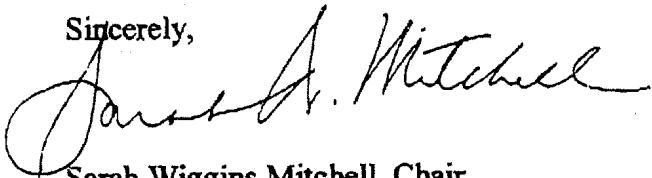
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It is encouraging that Congress chose to include a provision in the Ticket to Work and Work Incentives Improvement Act extending this continuation of benefits protection to beneficiaries who attempt to return to work using a variety of service providers beyond the State Vocational Rehabilitation Agencies. The fear of losing benefits due to an attempt to work is perhaps the most powerful disincentive beneficiaries face and it keeps many from making even a small attempt. The change that will be codified by the rules in this NPRM will remove part of that fear.

The Panel believes, however, that the CDR protection should be further expanded.. Beneficiaries fear the process of having a CDR performed almost as much as they do losing their benefits as a result of that review. Thus, the Panel will be recommending that the CDR protection extended to participants in the Ticket Program, under Section 101 (a) sub section (i) of the Ticket to Work and Work Incentives Improvement Act, should be extended to any and all beneficiaries who are participating in an approved program of vocational rehabilitation services, employment services or other employment support services. The Panel realizes this would require statutory change and plans to submit this recommendation to Congress very soon. We ask you to support this advice to Congress.

The Panel appreciates your consideration of these comments. Marie Strahan, the Panel's Executive Director, or I, are available at (202) 358-6430, to address any questions or concerns that you may have. We look forward to a continued partnership with you and the Agency to promote successful implementation and operation of these important new programs.

Sincerely,



Sarah Wiggins Mitchell, Chair

cc:

The Honorable President George W. Bush

The Honorable Max S. Baucus
Committee on Finance

The Honorable Charles Grassley
Chairman, Committee on Finance

The Honorable John Breaux
Chairman Social Security Subcommittee

The Honorable John Kyl
Social Security Subcommittee

The Honorable Bill Thomas
Chairman, House Ways and Means

The Honorable Charles Rangle
House Ways and Means

The Honorable Clay Shaw
Chairman, Social Security Subcommittee

The Honorable Robert Matsui
Social Security Subcommittee

Martin Gerry, Associate Commissioner
Office of Disability and Income Security
Programs

Ken McGill, Associate Commissioner
Office of Employment Support Programs